

AO 91 (Rev. 11/11) Criminal Complaint

United States Courts  
Southern District of Texas  
FILED

October 19, 2023

Nathan Ochsner, Clerk of Court

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America  
v.ALANIS, Ernesto III  
(U.S.C. / Y.O.B. 1966)

Case No. 7:23-mj-1843

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 3, 2023 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

26 U.S.C § 5861(d)

It shall be unlawful for any person to receive or possess a firearm which is not registered to him in the National Firearms Registration and Transfer Record.

Title 26 U.S.C. 5861(i)

It shall be unlawful for any person to receive or possess a firearm which is not identified by a serial number as required by this chapter.

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.

Approved by AUSA Roberto Lopez

/S/ Stephen J. Zilko Jr.

Complainant's signature

Stephen J. Zilko Jr. / ATF Special Agent

Printed name and title

☐ Sworn to telephonically and signed electronically  
per Fed.R.Cr.4.1Date: 10/19/23 @ 6:39 p.m.City and state: McAllen, Texas
  
 Judge's signature  
 Juan F. Alanis, U.S. Magistrate Judge  
 Printed name and title

## ATTACHMENT A

The facts establishing the foregoing issuance of an arrest warrant are based on the following:

I, Special Agent Stephen Zilko, affiant, do hereby depose and state the following:

I am a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have been a law enforcement officer for over ten years. My duties include the investigation of violations of the federal firearms laws. I know it to be unlawful for any person to receive or possess a firearm, to wit: a short barrel rifle, defined in 26 USC § 5845(a)(3). The possession of such a rifle is a violation of Title 26 U.S.C. § 5861(d) if said rifle is not registered in the National Firearms Registration and Transfer Record. It is also a violation of 26 U.S.C. § 5861(i) to possess such a rifle if it does not have a serial number. This criminal complaint is based on the following facts:

On October 3, 2023, ATF Special Agents (SAs) learned that on October 2, 2023, Homeland Security Investigations (HSI) SAs in furtherance of an ongoing investigation, conducted a consensual search of Ernesto ALANIS' (hereinafter referred to as ALANIS) residence located in McAllen, Texas. During the consensual search, HSI SAs discovered multiple firearms, firearm parts, ammunition, and United States currency. ATF SAs learned ALANIS admitted to possessing the aforementioned items and stated he was actively involved in trafficking firearms, firearm parts, and ammunition to Mexico.

On October 3, 2023, ATF SAs traveled to the HSI McAllen, Texas office and inspected the firearms seized from ALANIS' residence. While inspecting the firearms SAs learned two (2) of the firearms seized were non-serialized AR-15 privately made firearms (PMF) and met the definition as short barrel rifles (SBR) under 26 U.S.C. § 5845(a)(3).

On that same day, ATF and HSI SAs conducted a non-custodial interview of ALANIS. During the interview ALANIS admitted to possessing the PMF SBRs. During the interview ALANIS went on to admit he was aware it is illegal to own or possess a non-registered item regulated under the National Firearms Act (NFA).

A query of the National Firearms Registration and Transfer Record for ALANIS produced negative results, indicating that ALANIS possessed the firearms in violation of 26 U.S.C. § 5861(d). Additionally, the firearms were not identified by a serial number in violation of 26 U.S.C. § 5861(i).